

MR2919-12

Serial Number: 09/523,573

Reply to Office Action dated 8 September 2004

**REMARKS**

This case has been carefully reviewed and analyzed in view of the Office Action dated 8 September 2004. In that Office Action, the Examiner rejected the pending Claims 1-34 under 35 U.S.C. § 112, first paragraph, for containing subject matter not adequately described in the Specification. More specifically, the Examiner stated that Claims 1, 11, and 21, as amended by Applicant's earlier-filed Amendment of 5 August 2004, contain limitations not adequately supported by the Specification. The Examiner noted these limitations to be:

1. the operable coupling of first and second units over a direct wireless link;
2. the pre-configured operation of such units in proximity-responsive manner; and,
3. the automatic transmission of appropriate data over the wireless link without user intervention.

The Examiner then maintained his earlier-asserted rejection of Claims 1-34 under 35 U.S.C. § 102(b) as being anticipated by the Logan, et al. reference. In a telephonic communication between the Examiner and the undersigned Attorney on 7 December 2004, the Examiner confirmed that this rejection of Claims 1-34 under 35 U.S.C. § 102(b) follows necessarily from his new grounds for rejection, namely the 35 U.S.C. § 112, first paragraph, rejection. The Examiner explained that the 35 U.S.C. § 112, first paragraph, rejection of Claims 1-34 precluded his giving any patentable weight to the earlier-filed Claims amendments, and that the

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present rejection under 35 U.S.C. § 102(b) is merely a re-assertion of the earlier rejection of the Claims as they stood prior to the 5 August 2004 amendment thereof. The Examiner acknowledged, consistent with his earlier acknowledgement in the Interview Summary Record of 3 August 2004, that overcoming the § 112, first paragraph, rejection would permit due weight to be given to the earlier Claims' amendments, and that the re-asserted 35 U.S.C. § 102(b) rejection would be correspondingly overcome in that event.

Turning to the Examiner's assertions under 35 U.S.C. § 112, first paragraph, it is respectfully submitted that ample support is in fact found in the Specification as originally filed for the features specifically noted by the Examiner. Note regarding *the operable coupling of first and second units over a direct wireless link*, that the Specification at page 2, lines 16-18, identifies as one of the numerous objects of the disclosed invention: "to provide a low-cost high-speed wireless link ... for automatic downloading of data to and from an automobile, or between automobiles, and for storing" various data. The Specification elsewhere states in more detail with reference to the embodiment illustrated in Fig. 1 that:

An RF (radio frequency) link 22 provides a low-cost high-speed connection between transceiver 6 and transceiver 16 that can efficiently operate at distances of up to 100 meters. Link 22 enables the automatic downloading of music from central storage system 12 to remote system 4 ...

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(Page 4, lines 19-22).

Indeed, Fig. 1 very clearly denotes the RF link 22 via a dashed line which extends directly between the respective blocks representing transceiver 6 and transceiver 16. Additional illustrative specification of this direct wireless link 22 is set forth at page 8, line 12 – page 9, line 12, for example.

The *pre-configured operation* of such units as the remote storage and playback system 4 and central storage system 12 illustrated in Fig. 1 is clearly inherent in the cooperative automatic operation of those units disclosed by the Specification. The Specification describes each of these interacting systems 4 and 12 to be provided with a CPU 5, 14 which, of course, is programmed to execute certain software processes. The Specification explicates in this regard that “[s]oftware processes executing on CPU 14 facilitate the encoding of audio data as well as the queuing and formatting of data for transmission via transceiver 16 across link 22,” (page 6 lines 7-8), and that “[o]ne such software process executing on CPU 14 may be an agent process,” which “may include thresholds that determine when a communication action will be carried out” among other things (page 6 line 13; page 7 lines 4-5; emphasis added). The Specification states that “[s]imilarly, software processes (or equivalent firmware) executing on CPU 5 also facilitate the encoding of audio data as well as the queuing and formatting of data for transmission via transceiver 6 across link 22,” (page 6 lines 10-12). The units

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exemplified by systems 4 and 12 are thus disclosed to be pre-configured for automatic operation.

The Specification makes clear, moreover, that such automatic operation of units is carried out *in proximity-responsive manner* in the embodiment disclosed.

The Specification illustratively describes at page 7, lines 17-21 that:

In the preferred embodiment, transceivers 6 and 16 continuously monitor their common RF channel searching for the presence of signal strength adequate to establish a robust RF link. Such signal strength is present when the transceivers are sufficiently close to one another. When this link is established, software running in transceiver 16 instructs the central system's power unit to power up and commence a RF download process to remote transceiver 6.

(Emphasis added).

The Specification makes numerous other references to such proximity-responsive automatic operation. At page 3, line 16 – page 4 line 2, the Specification describes one application of the disclosed embodiment wherein “efficient transfer of data files, such as music encoded in MP3 or some other convenient format,” may be effected for example “on a daily basis when the user arrives at his home in the evening,” upon “the remote music and storage playback system ... com[ing] within a predetermined distance of” the central music storage system. At page 6, lines 3-7, the Specification again notes that “music received at remote system 4 from others ... [and] stored at memory 8,” may be “transmitted across link 22 for storage at memory 18 when central storage system 12 and

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remote system 4 are within the predetermined distances ranges as discussed above," (emphasis added).

The Specification also makes clear that in the disclosed embodiment, such proximity-responsive *automatic* interaction between the systems 4 and 12 via the RF link 22 occurs *without user intervention*. That is, the "agent software" running in a given unit's CPU "may include thresholds that determine when a communication action will be carried out," such that "[t]ransmission across link 22 may be initiated automatically," (page 7 lines 4-7, emphasis added). The Specification adds further that "[w]hen remote system 4 is within the range mentioned above, then remote system 4 may initiate transmission across link 22 so long as central storage system 12 is operating or can be turned on," (page 7, lines 7-9; emphasis added). The systems 4 and 12 are themselves capable of initiating their interaction, quite without a user's intervention.

It is respectfully submitted in light of these and numerous other examples readily found in the Specification as originally filed, that the earlier-filed amendments to Claims 1, 11, and 21 are in fact amply supported in subject matter by the Specification. For that reason, withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

It is further submitted that when due consideration is given to Claims 1, 11, and 21, as amended, the Examiner's bases for re-asserting the 35 U.S.C. § 102(b) rejection in view of Logan, et al. are even more clearly obviated.

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It is believed that the subject Patent Application has now been placed fully in condition for allowance, and such action is respectfully requested.

Respectfully submitted,  
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For: ROSENBERG, KLEIN & LEE

  
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